

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RALPH SPINK,

Plaintiff,

v.

JOSEPH LEHMAN,

Defendant.

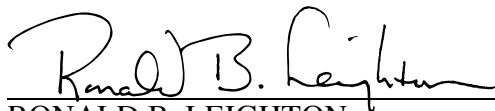
Case No. C04-5700RBL

ORDER ADOPTING
REPORT AND
RECOMMENDATION

The Court, having reviewed Defendant's motion, the response, and the Report and Recommendation of Magistrate Judge J. Kelley Arnold, objections to the Report and Recommendation, if any, and the remaining record, does hereby find and ORDER:

- (1) The Motion for Certification to the Washington Supreme Court is **DENIED**.
- (1) The Court adopts the Report and Recommendation;
- (2) This action is time barred. The action is **DISMISSED WITH PREJUDICE**.
- (3) Clerk is directed to send copies of this Order to counsel for plaintiff, counsel for defendants, and to the Hon. J. Kelley Arnold.

DATED this 29th day of July, 2005.



RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE